

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

TEXAS BANKERS ASSOCIATION;  
RIO BANK; and AMERICAN BANKERS  
ASSOCIATION,

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION  
BUREAU and ROHIT CHOPRA, in his  
official capacity as Director of the Consumer  
Financial Protection Bureau,

Defendants.

Case No. 7:23-cv-00144

**JOINT MOTION TO CONTINUE INITIAL SCHEDULING CONFERENCE AND  
DEFENDANTS' DEADLINE TO RESPOND TO AMENDED COMPLAINT**

Plaintiffs Texas Bankers Association, Rio Bank, and American Bankers Association, and Defendants Consumer Financial Protection Bureau and Rohit Chopra, in his official capacity, (collectively, "the Parties") jointly move the Court to continue the upcoming initial scheduling conference and associated deadlines, as well as Defendants' deadline to respond to the amended complaint, until after the Court has resolved Plaintiffs' pending motion for a preliminary injunction. In support of that request, the Parties state the following:

1. Plaintiffs filed this suit to challenge a regulation issued by the Consumer Financial Protection Bureau. *See* Small Business Lending Rule, 88 Fed. Reg. 35150 (May 31, 2023). Plaintiffs filed an amended complaint on May 14, 2023. ECF No. 12.

2. The Court has ordered the Parties to appear via Zoom for an initial pretrial and scheduling conference on July 5, 2023. *See* Order of Apr. 26, 2023, ECF No. 3. Pursuant to that

Order, the Parties are required to file a joint discovery plan and disclosures of interested parties by June 23.

3. Defendants' deadline to respond to the amended complaint is currently July 3.

4. On May 26, 2023, Plaintiffs filed a motion for preliminary relief. ECF No. 13. Briefing on that motion is currently ongoing.

5. The Court's resolution of Plaintiffs' motion for preliminary relief is likely to affect the Parties' respective views on the contents of the joint discovery plan and their positions on how the case should proceed. Deferring the answer, the initial pretrial conference, and associated deadlines until after the Court's decision would allow the Parties to confer regarding how this case should proceed, negotiate and prepare the joint discovery plan, and participate in the initial scheduling conference with the benefit of the Court's ruling.

6. For these reasons, the Parties respectfully submit that good cause exists to grant the requested continuance.

7. If the Court grants this request, the Parties propose that they file a joint status report within 21 days of the Court's decision on the motion for preliminary relief advising the Court of their proposed path forward.

Dated: June 9, 2023

Respectfully submitted,

/s/ John C. Sullivan

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been filed on June 9, 2023 and served on all parties via the CM/ECF system.

/s/ Kevin E. Friedl  
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